

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

: **ATTN: DIRECTOR OF TECHNOLOGY  
CENTER 2800**

Koji SATO et al.

: Docket No. 2001-0406

Serial No. 09/826,825

: Group Art Unit 2834

Filed April 6, 2001

: Examiner J. Waks

PERMANENT MAGNET MOTOR AND ROTOR THEREOF

# 7/Str. re:  
Restart  
Hawkins  
2/27/02

**PETITION TO RESET PERIOD OF REPLY DUE TO  
LATE RECEIPT OF OFFICE ACTION UNDER MPEP §710.06**

Assistant Commissioner for Patents,  
Washington, D.C.

**THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975**

Sir:

In the above-referenced application, an Office Action was received by the undersigned on January 15, 2002. The Action carries a mail date of December 5, 2001.

Accordingly, this Petition is being filed within two weeks of the date of receipt of the Office Action at the correspondence address.

A substantial portion of the reply period had elapsed on the date of receipt, i.e. one month and ten days have elapsed.

Accompanying this Petition is a copy of the Office Action having the date of receipt of the Office Action at the correspondence address stamped thereon.

The date of receipt of the Office Action is thus January 15, 2002, as established from the copy of the Office Action bearing the stamped date of receipt by the undersigned at the correspondence address, which is the undersigned's routine practice to indicate the date of receipt.

**RECEIVED**

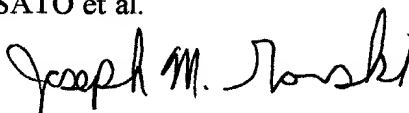
MAR 01 2002

OFFICE OF THE SPECIAL  
PROGRAMS EXAMINER

Accordingly, applicants petition to restart the period of response from the date of receipt, i.e. January 15, 2002, in accordance with MPEP §710.06.

Respectfully submitted,

Koji SATO et al.

By:   
Joseph M. Gorski  
Registration No. 46,500  
Attorney for Applicants

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January 17, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,825	04/06/2001	Koji Sato	2001-0406	9753

513 7590 12/05/2001

WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N. W.  
SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER

WAKS., JOSEPH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 12/05/2001



Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
JAN 15 2002  
WENDEROTH, LIND & PONACK

RECEIVED  
JAN 15 2002  
JAN 15 2002

**Office Action Summary**



Application No.

09/826,825

Applicant(s)

SATO ET AL.

Examiner

Joseph Waks

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/396,420, filed on September 15, 1999.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. **Claim 2** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.  
  
In claim 2, line 10, "3n" should be --3n<sub>0</sub>-- and "when n" should be --when n<sub>0</sub>--, line 11, "n" should be -- n<sub>0</sub>--.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
  
A person shall be entitled to a patent unless –  
  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. **Claim 2** is rejected under 35 U.S.C. 102(b) as being anticipated by **Tajima et al (US 4,672,253)**.  
  
**Tajima et al.** disclose in Figure 1, in column 2, lines 67-68, and in column 3, lines 1-3, invention as claimed: a permanent magnet motor having a stator 3, 4 with a plurality of stator

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teeth 51-53, and 61-63, and a rotor 2 being a cylindrical permanent magnet magnetized with a plurality of evenly disposed magnetic poles wherein the number of the magnetic poles  $k=4$  being an even number not exceeding 100 and the number of stator teeth  $n=6=3 \times (n_0=2)$  and wherein  $n_0$  being a positive integer not exceeding 33, and  $k$  being not equal to  $n_0$ .

***Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Communication***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (703) 308-1676. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-1341 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.



JOSEPH WAKS  
PRIMARY PATENT EXAMINER  
TC-2800

JW

November 27, 2001

FORM PTO-892

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

SERIAL NO.

09/826,825

GROUP ART  
UNIT

2834

ATTACHMENT  
TO PAPER NO.

6

## NOTICE OF REFERENCES CITED

APPLICANT(S)

Sato et al

JAN 17 2002

## U.S. PATENT DOCUMENTS

*		DOCUMENT NO.		NAME	CLASS	SUB-CLASS	FILING DATE
	A	4,672,253	6/1987	Tajima et al.	310	269	
	B	4,739,203	4/1988	Miyao et al.	310	67R	
	C	4,745,312	5/1988	Nagasaka	310	49R	
	D	4,933,584	6/1990	Harms et al.	310	162	
	E	5,757,100	5/1998	Burgbacher	310	186	
	F	5,323,077	6/1994	Brandes	310	156	
	G	5,604,390	2/1997	Ackermann	310	156	
	H	5,289,064	2/1994	Sakamoto	310	49R	
	I	4,012,652	3/1977	Gilbert	310	162	
	J						
	K						

## FOREIGN PATENT DOCUMENTS

*		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS
	L						
	M						
	N						
	O						
	P						
	Q						

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	R	
	S	
	T	
	U	

EXAMINER

Joseph Waks

DATE

November 27, 2001

Form892ccs2106b

\* A copy of this reference is not being furnished with this office action.  
(See Manual of Patent Examining Procedure, section 707.05(a).)